

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

OCT 21 2003

MIYACHI et al.

Serial No. 09/866,797

Filed: May 30, 2001

Title: LIQUID CRYSTAL DISPLAY APPARATUS

Atty Dkt. 1035-326

C# M#

Group Art Unit: 2871

Examiner: Nguyen, H.

Date: October 21, 2003

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment <b>107</b> minus highest number previously paid for <b>107</b> (at least 20) =      0      x      \$ 18.00	\$      0.00
Independent claims after amendment <b>18</b> minus highest number previously paid for <b>18</b> (at least 3) =      0      x      \$ 86.00	\$      0.00
If proper multiple dependent claims now added for first time, add \$290.00 (ignore improper)	\$      0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months)	\$      0.00
Terminal disclaimer enclosed, add \$ 110.00	\$      0.00
<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00)	\$      0.00
<input type="checkbox"/> Please enter the previously unentered , filed	
<input type="checkbox"/> Submission attached	
	<b>Subtotal</b> \$      0.00
If "small entity," then enter half (1/2) of subtotal and subtract	-\$      0.00
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith	
Rule 56 Information Disclosure Statement Filing Fee (\$180.00)	\$      0.00
Assignment Recording Fee (\$40.00)	\$      0.00
Other:	\$      0.00
	<b>TOTAL FEE ENCLOSED</b> \$      0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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HWB:Ish

NIXON & VANDERHYE P.C.  
By Atty: H. Warren Burnam, Jr., Reg. No. 29,366

Signature: H. Warren Burnam, Jr.

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Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**ELECTION UNDER 35 USC §121**

In response to the Office Action dated September 24, 2003, Applicant elects Species C (the species of Fig. 20, claims 42-71 and 72-107) for further prosecution in the event no generic claim is finally held to be allowable. Applicant deems claims 72-107 to be dependent on the claims of Species A through C, based on how the Species correspond to claims as described below.

(i) Species A: Fig. 1, corresponding to claims 1, 3-7, 10-15, 17-22, 24-29, 31-36, 38-41 and 72-107;

(ii) Species B: Fig. 17, corresponding to claims 2, 9, 16, 23, 30, 37 and 72-107; and

(iii) Species C: Fig. 20, corresponding to claims 42-71 and 72-107.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., inter alia, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained.

The Commissioner is authorized to charge the undersigned's deposit account no. 14-1140 in whatever amount is necessary for entry of this Amendment and the continued pendency of the captioned application, including but not limited to any extension of time fees.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,  
**NIXON & VANDERHYE P.C.**

October 21, 2003

By: H. Warren Burnam, Jr.  
H. Warren Burnam, Jr.

HWB:lsh

Reg. No. 29,366

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